Vol. XXXV No. 10.782.

THE BUFFALO CANAL FRAUDS.

THE ROBBERIES OF CONTRACTORS AND CORRUPTION OF OFFICIALS. HALF A MILLION THROWN AWAY.

THE MOST STARTLING DISCLOSURES YET-THADDEUS C. DAVIS AND JOHN D. FAY INCULPATED-DAVIS'S \$5,500 FEE-THE STRANGE AWARD OF \$119,208 TO GEORGE D. LORD-COMMISSIONER FAY SPENDS \$79,507 IN VIOLATION OF LAW-FULL STORY OF THE BLACK ROCK HARBOR WORK.

The seventh report of the Canal Investigating Commission has been made. It is the most important of the series. It relates to the work on Black Rock Harbor at Buffalo. It shows that under Clark & Bennett's \$60,000 contract for a piece of perfectly useless work \$151,133 were paid, and the work left not half completed. On Geo. D. Lord's contracts he was paid \$72,707. He applied for an additional award. Engineer Behn estimated that he was entitled to \$56,168; Commissioner Fay to \$53,755. Yet, mainly on the assertions of Frank Lord, his brother, he was awarded \$119,208, and was released from the contract. Edward B. Van Dusen routracted for \$124,500 to perform the unfinished work, and some in addition, but abandened the work before \$10,000 had been spent. Commissioner Fay then spent \$79,507 in a wasteful manner on the harbor, inopen violation of law. A contract was then taken at \$252,245 by Henry J. Mowry, who secretly paid Van Dusen \$15,000 for relinquishing his contract. Thaddeus C. Pavis was corruptly connected with negotiations for obtaining the paydounded the amount, was accepted. leased from the contract. Edward B. Van Dusen connected with negotiations for obtaining the payment of Lord's award, and with securing an extra appropriation for Mowry. For the latter he received a \$5,500 fee. John D. Fay is reported as showing a reckless disregard of the interests of the State, in regard to various cancellations of contracts. The report shows that half a million of money has been wasted on the Black Rock Harbor work, and that when it is all done it will have cost one fourth as much as it took to build the whole canal originally.

THE REPORT.

To His Excellency SAMUEL J. TILDEN, Governor of the State of New-York:

The consequences of the gale on the lakes referred to in our fifth report, the gravity of which is no where so manifest as in the magnitude of the Legislative appropriation made to Lord for repairing them, furnished a pretext for passing another act "for protecting the Erie Canal from the encroachments of Lake Eric." by extending the Black Rock breakwater southward from the entrance of Black Rock harber to the Erie basin, a distance of one mile, and appropriating the sum of \$75,000 for the purpose. A contract for this work was let on the 6th of August, 1870, to Charles P. Skinner, who, on the 7th of the following month, assigned it to George D. Lord. Lord agreed to perform the whole work for \$45,600, but the contract, not proving as remonerative as was expected, or interfering in some way perhaps with other arrangements which were more so, was abandoned, and on motion of John D. Fay, then Canal Commissioner, was canceled on the 24th day of June, 1873. The work done up to that time was estimated to the contractor at \$1,292. The Legislature of 1873 made an additional appropriation for this same work of \$25,000, and the 14th of October, 1873, a contract was let to Clark & Bennett to complete it for the gross sum of \$60,720. It was not completed for that amount. An additional appropriation of \$40,000 was made for continuing it by the Legislature of 1874. Under color of this contract, however, the contractors have already been allowed the sum of \$151,133, which is more than \$99,000 in excess of what their contract entitled them to, and over \$11,000 in excess of the amount actually appropriated for the work, and it is still less than balf completed. At the past rate of expenditure this "improvement" will cost the State over \$375,000, for no part of which have we been able to find any

FOLLY OF THE COSTLY BREAKWAT, R. The Central Railroad runs between the Canal and

the bay. It affords the canal all the protection it needed from the storms of Lake Eric, and if it did not, the greatest possible damage that the canal no sensible proportion to the interest upon the expenditure already made, not to speak of that which the continuation of the work must involve. The facility with which the cost of this work has already swellen to several times the original contract price, is mother illustration of a class of canal phenomena which our investigation has by this time made familiar to you. The contract was let without any such surveys, maps, or estimates as the law required, and without any convenient means of verifying the estimates of the engineers.

TWO HARBOR CONTRACTS.

On the same day that Skinner took this contract for extending the Black Rock breakwater, Aug. 6, improving the narrow canal in Black Rock Harbor for \$45,300; and on the same day, the 7th of the signed the second contract to George D. Lord. Jarvis Lord and William Mudgett were their sure-tics. By the terms of his contract this work was to be finished before the first of April, 1871.

On the 1st of August, 1871, another contract was awarded to Edward W. Williams for "crib and vertical wall 2 and cutting bend or projection in towing path on guard-lock section at Black Rock, and clean-ing out mouth of mill-race leading from the harbor at lower Black Rock to mills of Thornton & Co. and at lower Black Rock to mile of Inormton & Co. and others, for \$18.251. Williams was only an instru-ment of George D. Lord, to whom he assigned this contract, in which he held only a nominal interest, within ten days after it was awarded to him. The sureties were William Mudgett and George D. Lord

himself.

As these two contracts related to a continuous piece of work, and as George D. Lord was the proprietor of both, we shall henceforth speak of them as his. The work done by Lord under them consisted in deepening some 6,400 feet of the old canal prism, the construction of 1,820 linear feet of crib work and about 1,550 linear feet of dry vertical wall and about 1,000 linear feet of vertical retaining all in execut. The walls last maniform were so wan and asc in 1,000 mean rector vertical resamines wall in cement. The wails last mentioned were so badly founded and composed of such inferior stone and so badly laid, that large sections of them had already fallen when we visited them in the Spring, and others were bulged and must soon be reoulif from the foundation. The other vertical wail was very much distorted, and of a quality below that re-nured by the specification.

LORD'S SEVENTH APPLICATION FOR RELIEF.

For the work above named, which constituted but a very incensiderable portion of the work covered by these contracts. Lord received \$72,707 06, and then asked the Canal Board to cancel his unfinished contract. Mr. Fay was again his advocate, and sade a report in favor of releasing him, and on the 6th of August, 1872, this contract also was caucoled. But this application was not made by Mr. Lord, nor was it yielded to by the Canal Board until after the Legislature had passed an act directing the

To make an examination into the expenditure made for despending and improving the parrow canal in Black Rock Harber, Bolisho, and for constructing crib-work and vertical wait, and cutting off bend or prejection in toward lock section at Lower Black Rock, and cleaning out mouth of mill race leading from harbor at Lower Black Rock to mills of Thornton & Co. and others, and if they shall find, an ancher amunifor so there. Lower Fried Rock to miles of Frontian & Co. and other and if they shall find, on such examination and taking proofs, said expenditure exceeds the prices paid and allowed for said work they shall allow therefor an amount which shall not exceed the difference between the prices paid for said work and the actual cost thereof, but they shall allow an amount to cover the actual cost of said

This makes the seventh contract connected with these local Bulfale improvements which Lord has made the pretext for a successful application to the Legislature for relief.

THE TREASURY PLUNDERED OF \$119,208

Under the act just cited, the Canal Board appointed a committee consisting of John C. Robinson, Thomas Raines, Daniel Pratt, S. H. Sweet, and James Jackson, jr., to take proofs and ascertain to what extent, if any, the work referred to in the act had exceeded in cost the amount the contractor had received for it. The Committee assembled at the Delavan House in Albany on the 12th day of March, 174. On the 19th day of March they reported that

they had taken proof of the expenditures, and the amount paid by the State, and found that the actual cost of such work, as by the evidence and vouchers, was \$191,915.55; that the contractors had been paid on account of said contracts \$72,707.06, and that the excess of expenditures, over and above all payments, was \$119,208.49, to which sum they decided that the claimant was entitled. This report was confirmed by the whole Board on the day it was presented.

was confirmed by the whole Board on the day it was presented.

The only witnesses examined were Frank Lord, brother of the claimant; J. F. Behn, who had been Assistant Engineer and afterward Division Engineer in immediate charge of the work; John D. Fay, who was Canal Commissioner during its progress, and Oliver Cornell, a workman, who was or had been a workman of the claimants. Of these witnesses, Cornell seems to have been called merely to give the proceeding a little more the air of an examination, his testimony not furnishing the basis of any estimate or calculation; of the other witnesses the claimant's brother, Frank Lord, was practically the only one whose testimony the Commissioners reem to have taken into consideration, as will appear by a simple statement of the results which their testimones respectively establish.

According to John D. Fay's testimony, the value of that portion of the work done under the Williams contract over and above the amount previously paid on account of it, was \$20,629 32, while according to Behn's it was \$20,639 32, while according to Frank Lord's statement it was \$59,180 73. For improving the narrow canal, order the Skinner contract, Fay's estimate of the corresponding excess was \$33,031 17 Behov's \$65,509 43, while according to

double the amount, was accepted.

THE RAD RECORD OF THAD, C. DAVIS. On this occasion Mr. Thaddens C. Davis seems again to have confounded his official relations to the State with his professional, personal, and financial relations to Mr. Lord. The testimony, or at least a considerable part of it, is in his handwriting; he drew the award; the certificates for the award, when it was made, were delivered by the auditor to him as the attorney or agent of George D. Lord; subsequently he was employed by Lord to negotiate the

quently he was employed by Lord to negotiate the sale of them, failing in which he was employed to collect them from the Canal Department where there were as yet no funds available for their payment. For this service, in which Davis, by some process not susceptible of an altogether satisfactory explanation, was successful, he says, as yet he has received no compensation, but that he proposes to claim for it \$5,000, and to sue Mr. Lord for the amount, if he should refuse to pay it. The history of this part of the transaction is partially disclosed in the testimony of Davis, which follows:

Why Mr. Lord should have employed Mr. Davis to collect these certificates, instead of addressing hes application directly to the Auditor in person, and willy he should consider his services in procuring the payment of a hayful debt from the State worth \$5,000, or why, if an unlawful one, he should have any advantage over Mr. Lord in procuring it, with the Canal Department, and why, when the funds were not available, this award should have been paid with such unusual and prompt alacrity, are questions upon which Mr. Davis, on his examination, appeared mable of unwithing to shed any light.

JOHN D. FAY'S UNLAWFUL EXPENDITURES.

JOHN D. FAY'S UNLAWFUL EXPENDITURES. We will now continue the history of the Skinner and Williams contracts, of which Lord was the real proprietor. On the 30th of August, 1873, and only a few days after Lord's contract was canceled, the Board of Canal Commissioners made a contract with Board of Canal Commissioners made a contract with Edward B. Van Dusen for "deepeaing and improving the canal, from Slip No. 3 to York-st., and thence to the head of Black Rock Harbor, and including the deepening and constructing a division bank or crib work through the narrow part of said harbor, extending thence to the broad part of said harbor, extending thence to the broad part of said harbor, about 1.200 feet below the Ferry Street Bridge, in the City of Buffalo." This contract embraced besides the work covered by the Skinner-Lord contract just canceled, an extension of the division bank or crib work some 1.200 feet further below Ferry Street Bridge. Van Dusen's bid for this work amounted to \$123.500.

On the 21st of the following January, Van Dusen asked the Canal Board to cancel this contract also, after an expenditure of less than \$10.000, upon the prefext that the discharge from the sewers of Buffalo into the portion of the canal he was required to drain, imposed upon him unforcescen expense. Mr. Van Dusen's remedy for this sewer-drainage into the canal was against the City of Buffalo, it anywhere, and not against the State, and though nothing whatever had occurred to invalidate his contract, or diminish his responsibility for executing it, the Canal Board, on the notion of John D. Fay, Canal Board, in where the setting of the canal Board, in where the canal commissioner, granted his application.

Without waiting for the action of the Canal Board, nowever, Van Dusen, on the 12th of February, abandoned the work. Mr. Fay, the Canal Board in took charge of the work, under the imprion of it, took charge of the work, under the imprion of it, took charge of the work, under the imprion of it, took charge of the work, under the imprion of it, took charge of the work, under the interest of having deposit it the same day! A. Yes, Sir; or the proposition in the canal Board of the proposition of the Canal Board of the canal for the canal Board of the work, under the proposition of the canal Board of the canal for t Edward B. Van Dusen for "deepening and improv-

ruary, abandoned the work. Mr. Fav, the Canal Commissioner, immediately, and without any interruption of it, took charge of the work, under the pretext of having it ready for Spring navigation, and in the course of four months expended the sum of \$79,507 38 out of a fund which had been appropriated by the State for the prosecution of this work, only under contracts to be let to the lowest bidder.

By the terms of Van Dusen's contract it was the duty of the Canal Commissioner to have collected his \$79,000 of expenses on his work, if they were necessary, from Van Dusen himself.

THE WICKED RELEASE OF VAN DUSEN.

The Commissioner not only failed to make this reclamation, but when the question came up for final 1870, he took another contract for deepening and, decision in the Canal Board in June, and after the money had been spen; Mr. Fay himself moved that Van Dusen's application for the cancellation of his contract be granted, and by his own vote discharged Van Dusen, so far as it was possible for the Canal Board to do so, from his liabilities to the State for this money, without exacting any forfeiture or mak-ing any deductions as for work done on contractor's

Pay on this subject will give the history of this transaction more in detail and reveal a disregard of the rights and interests of the State on the part of the rights and interests of the State on the part of the Commissioner verging, at least, upon criminality. It will be for the law officers of the State to decade whether by the action of the Canal Commissioner and of the Canal Board, as described in this testimony, the State has actually parted with any of its rights of reclamation against Van Dusen, and it so, whether his responsibility has been transferred to others or in wholly extinguished. [The testimony quoted convicts Mr. Fay of releasing a contractor from his contract who had put the State to great expense and was able to fulfill his centract. It continues]:

Q. Mr. Fay, I call your attention to the proceedings of

inues]:

Q. Mr. Fay, I call your attention to the proceedings of ac Canal Board as prepared and printed in 1873; please arm to page 111, under date of June 24, 1873—do you not it! A. Yes, Sir.

Q. Do you reinember presenting the petition of C. P. kinner, asking the Board to cancel his contract "For refecting the Eric Canal against encroachments of Lakerie, between Eric Rasin breakwater and Black Rockier," &c., parsuant to Chapler 766, Laws of 1873! A. suppose 80.

nier. 'Ac., parsuant to Chapter 769, Laws of 1873? A.
Lauppose so.
Q. Plass on to the next motion you made in relation to
the Van Dossen contract: 'Mr. Fay moved as an amendment that the application for the cancellation of said
contract be granted, pursuant to Chapter 766, Laws of
1875, and that said cancellation take effect Feb. 1, 1873,
On calling the Year and Nays, the amendment was
adopted by the following vote: Year-Mesure, Robinson,
Fay, Earclay, Strond, Taylor-5, Nays-Mesure, Scriimer, Hopkin, Raines, Earlow-4, That was after you
had sent \$72,000 on that Job, wasn'tit! A. Yes, Str.
Q. And the cancellation of that contract was carried by
your vote, and without it it couldn't have been carried?
A. My vote made a majority.
Q. Without it there wouldn't have been any majority

of I. J. Ne. 8ir.

Q. Dun't you know on the 24th of June, 1873, when on voted to cancel a contract with Van Dusen for doing security work enbraced in the contract to Mowry that as made parsuant to the action of the Canal Board on a 24th of June, 1873, that \$89,000 had already been 24 n of time, 1873, that \$89,000 had already been pendently in State for the same work that had been to yet Dissen for \$171,000 when you voted again to the work at an expense of \$255,000? A. I knew it this had been so, but I wish to make a little explaine, there in regard to my expenditure; I want to a second ing, and removing the and snow to accomplish that

Q. You took \$70,000 of the State's money without any prefense of instillection or right to spend it! A. I did it for the benealt of the State; that is the way I look at it.

The work upon which Van Dusen and Fay thus obtained from the State Treasury \$89,477 66 was confined to the excavation of earth and rock and the draining and bailing incidental thereto. After making the amplest allowance for the work done and the material furnished by Van Dusen before abandoning material furnished by Van Dusen before abandoning the contract, and by Fay after it, we find the sum of \$65,034 78 to have been paid for this work by the State over and above its value, at the prices fixed by the contract. This sum may be regarded as the very lowest measure of the damages which the State has sustained by the action of Mr. Fay in releasing Van Dusen, should it be held that the Canal Board had the power to release him at all.

The discrepancy between the amount expended by

NEW-YORK, THURSDAY, OCTOBER 21, 1875. Mr. Fay on Van Dusen's work and the amount of work which appears to have actually been done, throws, if possible, a yet darker shadow over all this

transaction.

Oscar F. Whitford, the Division Engineer on the Western Division of the Ere Canal, testifies that he does not see how the service for which the State, under Mr. Fay's direction, was required to pay \$79,507 38, could have cost, even on a liberal scale of prices, more than \$38,932, leaving the sum of more than \$40,000 expended for which the State appears to have received no equivalent.

THE STRANGEST TRANSACTION OF ALL.

On the very day that Mr. Fay accomplished the release of Mr. Van Dusen, the 24th of June, 1873, the Canal Board authorized, and, on the 26th of July following, the Board of Canal Commissioners let a contract to Henry J. Mowry, who was merely a locum tenens of Van Dusen, "for the deepening and improving the Erie Canal, from Slip No. 3, in the improving the Erie Canal, from Slip No. 3, in the City of Buffile, to the head of Black Rock Harbor, and for deepening and widening the canal through said harbor and constructing the division bank therein and other work connected therewith, so as to make the canal separate and independent of said harbor to the extent authorized by the Canal Board, and covered by the existing appropriations therefor." The amount at which this contract was let was \$252,245. The amount of available appropriations was \$253,000.

This contract covers all the work embraced in the

This contract covers all the work embraced in the Van Dusen contract, and only differs from it in extending it to the extremity of the Black Rock Harbor, or so far as the appropriation of \$252,245 would go toward such improvement.

Before any work had been done under it by Mr. Mowry he, or his principals, rather, sold it to Clark, Bennett & Co. of Builato, for a premium of \$15-000, When Mr. Douglas of the firm of Clark, Bennett & Co. was asked to whom he paid this \$15.

nett & Co. was asked to whom he paid this \$15,-000, he answered to E. B. Van Dusen. We invite your attention to the following extract from the testimony of Louis J. Bennett, bearing upon this sale: Q. Are you a member of the firm of Mowry & Co. 1 A.

o, Str. Q. Who compose that firm! A. William H. Douglas, tubrose Clark, William Richardson, Andrew Spanlaing Of Then you are a member? A. Mowry had nothing to o with it; the contract is in his name, but it was assigned

Q. Is George D. Lord in any way connected with Van Dusen that you know of, or with Mowry, or was he in that particular contract? A. I do not know whether he was or my

It would appear from this testimony that though Mr. Van Dusen was released from his first contract through the friendly intervention of Mr. Fay, he was still interested in a contract for the presention of substantially the same work at much higher prices, and finally received the generous premium of \$15,000 for whatever portion of his interest he sold to Clark & Bennett.

MOWRY GETS AN EXTRA APPROPRIATION. On the 9th of May following the original letting of this contract to Mowry, the Legislature appropriated \$170,000 more "for completing division

priated \$170,000 more "for completing division bank and work connected therewith in Black Rock inarbor, so as to separate the canal from and make it independent of the harbor."

When it became apparent to the contractors, Clark & Bennett, that owing to the gross underestimate of quantities by the Division Engineer, the original appropriations would be exhausted before the work was more than half done, they addressed themselves to Thuddens C. Davis of Buffalo, of whose services one member of the firm, at least, had had frequent occasions before to avail himself, to procare the authority of the Canal Board for applying immediately the whole of this appropriation to their work. Their wishes prevailed, as appears by the following extract taken from the proceedings of the Canal Board on the 24th of February, 1875. [Here is cited a resolution of the Board ordering that \$170,000 already appropriated to complete this improvement should be applied therefo.]

Davis in the Rain of Commerce 1. A. Yes, Sir; or Q. Did you deposit it the same day? A. Yes, Sir; or the next; I would not say.

Q. For what services did you pay that amount of money? A. He went before the Canai Board, as I recollect, to get resolution passed.

Q. He had acreed to conrae you no much? A. I don't know as there was any agreement about how much he was to custge; I don't remember; only I left it be suspet to draw it I got the resolution there.

Q. And you paid it? A. Yes, Ir.

Mr. Davis's explanation of his share in this trans action may be found in the fellowing extract from his testimony before the Commission:

his testimony before the Commission:

Q. Mr. Davis, will you swear you ever had just claim acanst Mr. Bennett for one cent of money in your life, and that you have any account to show it? A. Will you allow me to ask you; you said I should not put in any services in maxing this answer?

Q. No; I did not; I don't care what services you rendered; I want to know if you had a claim founded upon an account? A. No, Sir.

Q. Now, whatever pretended service you rendered to keep this man's money, was something connected with the legislation or matters before the Canal Board? A. No, Sir.

Q. Didn't you receive from him, within the present year, at one time about \$5,500 on your own request for assumed services before the Canal Board I. A. Yes. Sir. Q. Bary you any justification to offer to this Commission for that trick I. A. Yes. Sir. Q. Tell at I. A. I was engaged for Mr. Bennett—Q. Tell at mader what theory you empustify the charge and receipt of \$5,500 on the 25th of February last—24th or 25th of February, 1875—for the services rendered before the Canal Board, you being at the time an officer of his State, whose duty it was specially to look after than against it, an i guard the 5th organist corruption?

At that time, Sir, and for a considerable period product of that, Mr. Bennett had this contract that he has at mow upon the Eric Canal; I was looking after his atters then.

Q. Do you understand that you have a moral right not with standing your employment as a Canal Appraise of this state, to accept retainers from private critizens to assist their claims against the State! A. Ves. Sr. in any matter while a don't come, and cannot come by any possibility, before the Hourd.

Q. And have acted on that idea? A. Yes, Sir."

As the conduct of Mr. Davis, in this and other transactions developed before this Commission, is now under investigation by the criminal coarts of the City of Buffalo, it is unnecessary for us to exthe City of Euflalo, it is indecessary for he fore-press any apinion as to the staintory liabilities be may have incurred in his relations with Beamett & Co. and the Lords. We cannot, however, forbear expressing our conviction that it is a reproach to the State that a man professing and labituarly acting upon such loose notions of official duty should hold a position of such dignity and responsibility as that of Canal Appraiser. And yet, in this barron to ceding reports, we have cited only a part of the transactions in which Mr. Davis appears to have prostituted his official position to private ends, as will soon more fully appear. The very next step in this history reveals one of them.

OTHER TRANSACTIONS OF MR. DAVIS. The somewhat cursory examination of the Buffalo more thorough investigation. The anditor notified the contractors of this warning, whereupon the services of Mr. Davis were again invoked. Early in July a draft of \$20.400 on account of this work was presented, and, notwithstanding the caveat of the Commission, was paid by the Auditor into the hands of Davis, who sent his check to Clark & Bennett for \$19.400, retaining the balance of \$1,000, as was understood by Bennett, in compensation for his services.

LOCAL POLITICAL NEWS.

COMPLETING THE COMBINATION TICKET. EORGE M. VAN HOESEN NOMINATED FOR JUDGE OF THE COURT OF COMMON PLEAS-STEPHEN D. VAN SCHAICK DECIDES TO ACCEPT THE NOMINA-TION FOR SURROGATE.

The anti-Tammany and Republican Conference Committees failed to agree on Tuesday night on candidates to fill the vacancies caused by the refusal of Benjamin F. Dunning to accept the nomination for Judge of the Court of Common Pleas, and of Stephen D. Van Schalek to accept that for Surrogate. The names of John C. Traphagen, John L. Setherland, and Geo. M. Van Hoeen were presented as candidates for the Common Picas The Republicans believed that Mr. Van Schaick could be induced to reconsider his action, and without reaching any conclusion the Conference Committees adjourned until yesterday. It was ascertained during the day that Mr. Van Schaick could be induced to accept the nominaand annoyances of the campaign. This was readily agreed to. The Republican Committee then consented to support George M. Van Hoesen as the candidate for Judge of the Court of Common Pleas, provided his record and capabilities are such as they are represented to be by his supporters. The Committee asked for more time, and a final decision was put off until to-day. There seemed to e little doubt that the Republicans would finally accept neet to-day in F. M. Bixby's office at No. 23 Park-row to

The following letter was written to Mr. Van Scheick yesterday and signed by the members of the Republican and anti-Tammany Conference Committees:

and anti-Tammany Conference Committees:

STEPHEN D. VAN SCHAICK, exq.—Dear Sir: The Joint Committee of the anti-Tammany and Republican Conventions have received with regret your letters decilaing the nomination for the office of Surrogate. While appreciating the natural dislike of a gentleman of your professional habits and fastes to enter into a political contest for office, we yet feel it a duty we owe to the apparently universal demand of the legal profession, the press, and the public at large to urge you to recall your letters of declination. The numericy and fide-lify with which you have performed the delicate duties of the office you have filled for six years, the high estimation in which it is conceded that you are held by the bar of the elty, irrespective of party, warrant us in saying that you are the right man for the place.

for the place.

We assure you of our decided conviction that the with-lrawal of your letters and the acceptance of our joint aomination will be received by the public with general

To this Mr. Van Schnick made the following reply :

To this Mr. Van Schaick made the following reply;
To the Jaint Committee of the Anti-Temmany and Republican Nominating Concention.
GENTLATES: I have resolved your very complimentary letter of this date, desiring nacto recall my declination of the nomination made by you for the office of Surrogate.
While my personal fistes would influence acc still to define the homor bradered me, or a nomination for any sective office. I am so deeply sensible of the numerous and I may say flattering solicitations I have had in this instance, that I consent to be governed by the advice of hose whom I have known to be my truest friends. Therefore, in conformity with their carnest wishes, I respectfully withdraw my letters of declination, and thus sermally accept the nonlineation with which I have been noned. Remaining yours, obediently.

Mr. Van Schaick stated to a reporter of THE TRIBUNE yesterday that he had been compelled to yield to an irre sistible urgency on the part of good and tried friends and what seemed to be the wish of the people. He would not in any way undervate the standing of his opponent, but he felt that by vigorous work night and day until the polls close next month his chances of success were very

THE COMBINATION AGAINST TAMMANY.

LACK OF ENTIRE HARMONY BETWEEN THE REPUBLI-REFUSAL OF NOMINATIONS IS BELIEVED TO IN-DICATE—PROSPECTS OF THE FUSION TICKET.

There are indications that the Republican

and anti-Tomnesny organizations are not working well together. The long time that it has taken to place their ticket in the field; the changes made by the Republicans Convention; the action of Benjamin F. Dunning, nomince for Judge of the Court of Common Pleas, and of Stephen D. Van Schalck, nominee for Surrogate, in declining to become candidates—although the latter gentleman has of John Morrissey to accept the anti-Tammany nomina-tion for Senator in the IVth District, and that of George Hencken, jr., to become the candidate for Senate n the VIth District, together with the difficulty on the part of the Republicans in finding a successor to James W. Booth, as cambidate for Senator in the Vth District all these circumstances have had the effect of dampening the ardor of those who are engaged in the movement against Tammany Hall, and generally to injure the propects of the success of the combination ticket. They gave the average voter an idea that the candidates doubted the future of the movement and were therefore unwilling to spend their time and money in a fruit less campaign. It was because this feel anti-Tammaay leaders held forth induscments strong enough to induse Mr. Van Schaick to reconsider his determination to decline the nomination for Surrogate. A strong pressure has been brought to bear on James W. Booth to accept a renomination for Senator. The declination of John Morrissey was not accepted, for the reason that there was no one else who could run in the district with any hope of heating John Fox, because of the strength of the Tammany organization throughout

The Republicans claim that the anti-Tammany leaders The somewhat cursory examination of the Builalo werk, in April last, by this Commission sufficed to make it feel justified in notifying the Auditor of the imprudence of paying any more money on what was called the Mowry contract until it had received more thorough investigation. The auditor notified the contractors of this warning, whereupon the services of Mr. Davis were again invoked. Early in July a draft of \$20,400 on account of the work was presented, and, notwithstanding the caveat of the Commission, was paid by the Auditor into the hands of Davis, who sent his check to Clark & Bennett for \$19,400, retaining the balance of \$1,000, as was understood by Bennett, in compensation for its services.

Mr. Auditor Thayer justifies his payment of the Mowry draft for \$20,400 in face of the caveat of this Commission, upon the authority of an oral opinion of the Attorney-General. It is due to that officer to give his testimony on this point. It is, be sides, an important feature in the history of this Commission, [Judge Pratt's testimony shows that he advised the payment of the draft on learning that the payment of the draft of the caveat of this Commission, upon the authority of an oral opinion of the Attorney-General. It is due to that officer to give his testimony on this point. It is, be sides, an important feature in the history of this transaction. [Judge Pratt's testimony shows that he advised the payment of the draft on learning that the oral of the decision of the Attorney-General. It is due to that officer to give his testimony on this point. It is, be sides, an important feature in the history of this transaction. [Judge Pratt's testimony shows that he advised the payment of the draft on learning that the oral of the decision that it is plan for organizing the necessary of the structure of the draft on learning that the organization succeeded in having him ieff of the Republicans of the Republicans of the structure of the structure and the regularities succeeded in having him ieff or decision that the capa are more intent on granifying personal ambition and

outlook is far from good for the success of the ticket in opposition to Tammany Hall.

ACTION OF BROOKLYN TAXPAYERS E. T. BACKHOUSE WITHDRAWS FROM THE CONTEST

FOR MAYOR—AN ADDRESS TO THE PEOPLE ISSUED. A meeting of the Tax-payer's Reform Assodation of Kings County was held last evening in the Academy of Music, Brooklyn. Among the prominen persons present were Col. A. C. Davis, Henry A. Richards, Cot. Julian Allen, John W. Harmon, ex-Mayor Booth, ex-Alderman Van Brunt, Harvey Farrington, J. G. Bretcher, Samuel Hutchinson, W. A. Coit, H. R. Fletcher, Joseph Reeves, E. C. Brunnell, Dr. Shelde, B. F. Stevens, Levi Stevens, T. E. Cammeyer, Alderman French, C. W. Goddard, R. S. Buckler, Col. Millenburgh, Col. A. J. Warner, and the Hon, J. H. Wittingham. President James ! Van Brunt occupied the chair. The Secretary read tho following communication from E. T. Backhouse: JAMES A. VAN BRUNT, 189., Chairman of the Independ-

Van Brunt occupied the chair. The Secretary read the following communication from E. T. Backhouse:

James A. Van Brunt, 1800. Chairm no of the Independent Sire: Your letter of the 13th inst., in which you inform me that at a meeting of tax-payers, representing all parts of our city, and all political parties, I was unanimously nominated as a candidate for Maxor, was daily received. I feel much honored by the netion of this Committee, but, after full and careful consideration, I have concluded that it is not my duty, nor is it expedient, to accept the nomination. I am of the opinion that a large number of the voters of Brooklyn would be glad to have an opportunity to cast their votes in the coming election for eardidates who would be independent of the influence of the set of men who control the nominations of both of the political parties in their city. At the fine your aomination was tendened me, and subsequent therefor, I was assured by many leading Republicans that the Republican party was determined to break loose from Ring controltrol and units with the independent tax-payers in supporting a non-parisan ticket which should promise relief to our over-burdened and outraged people. On the assembling of their Convention, however, it was found that the party politicines were in the ascendency, and demanded and received at the hands of that Convention a strict party nomination. Whether the pledges of cooperation which were given the Tax-Payers' Association were made for the sole purpose of inducing delay on the part of those anxious only for good government it is not worth while now to discuss, as in my judgment the time has gone by in which it is possible for the tax-payers to complete their organization. They would be compelled to go into the carunas maler great disadvantages, and with little probability of securing the full vote of those who sympathize with your movement. To ram an independent candidate under these circumstances might adeed the result of the law, which virtually controls by further to the fax

A committee of three, consisting of Thomas A. Painter,

ex-Mayor Booth, and Harvey Farrington, were appointed to consider the letter of declination, and draw up an address to the people. The following are the more important parts of the address which was prepared and

he felt that by vigorous work night and day until the polls close next mouth his chances of success were very good.

This Committee of Twenty-one of the anti-Tammany organization, at their meeting last evening, received a letter from District-Attorney Phelps thanking the anti-Tammany organization for the confidence shown in him by nominating him for District-Attorney. He accepted the nomination as coming from a new-partisan body. He said that he had always striven to serve the best interests of the people, and if elected would continue, as here tofore, to serve the entire community, without distinction of party. Another letter was received from Stephea D. Van Schack, formally accepting the nomination for Surveyate and thunking the Committee for the distinction as Alderman-at-Large, but has not yet signified has acceptantee.

THE CANDIDATE FOR COMMON PLEAS JUNE.
George M. Van Hoesen, the nominee for Judge of the Court of Common Pleas, is about 10 years of age, and comes of an old Kniekerbocker family. The ancestors of the City of New-York he read haw for a time with near of this city, and after graduating from the University of the City of New-York he read haw for a time with near the Professor of Pleadings and Evidences. He can be professed to lower the Professor of Pleadings and Evidences. He can be professed to lower the Professor of Pleadings and Evidences. He can be professed to lowe before the late war, and was for a time Professor of Pleadings and Evidences. He can be professed to lower before the late war, and was for a time Professor of Pleadings and Evidences. He removed to lowe before the late war, and was for a time Professor of Pleadings and Evidences. He can be professed to lower before the professor of Pleadings and Evidences. He can be professed to lower before the late war, and was for a time Professor of Pleadings and Evidences. He can be professed to lower the professor of Pleadings and Evidences. He can be professed to lower the professor of Pleadings and Evidences. He can be professed to low

Remarks were made by Harvey Enrrington, Jam Reeves, and others. Upon motion of Col. A. C. Davis he Association pledged itself to support Win. O. Dykeman for Judge in the Second District

INDEPENDENT GERMAN NOMINATIONS. ANDIDATES TO BE SUPPORTED-RESULT OF CON-FERENCES WITH OTHER ORGANIZATIONS. The German-American Independent Associa-

tion held an adjourned Convention last evening, at Beethoven Hall, Theodore Gianbenskies presiding. The Conference Committee reported that they had not net with full success. In consequence, the Committee was mable to present a full ticket, but recommended the following gentlement for office: Recorder, John K. Hackett: District-Attorney, Benjamin K. Phelps; Judge of the Superior Court, Charles F. Sanford; Judges of Marine Court, J. B. Sheridan and Charles Coepp; City Judge, H. A. Gildersleeve; Surro gate, S. D. Vane-Schalele; Coroner, M. Eilinger; Alder men-at-Large, Jacob Hess and Nathaniel Torpenny.

Judge Offerbourg spoke strongly in support of the nominees. The defeat of Tammany Hall was of great importance, and would have a vast influence on the city, state, and National elsetions next year. If Tanomany Hall was the cancer corruping society, if it was true that only those men were favored in Tanomany Hall who erlined to one men, then it was time to overthrew this one-man power. Mr. Sewards said that the principles of the Association required them to support the best candidates for office. Judges Friedman and Loew had proved themselves just and unpartism men on the beach, and were worthy of support. Messes, Ottendorfer and Goerke supported the nominations by the Conference Committee, it was true that Judges Friedman and Loew were good men, still those presented by the Countifies were also exceedent men. After some further discussion, the report of the Conference Committee was adopted, two members only voting in the negative. The Conference Committee was instructed to confer with the anti-Tanomany organization to agree upon a full ticket for Aldermen-at-Large. importance, and would have a vast influence on the city,

INTENTIONS

In regard to his action as a Commissioner of he Sinking Fund, Recorder Backett said yesterday that of he had the same business to transact over again he chould do exactly as he did in 1871. "These lands," he added, "were the rightful property of the city. The time for the claim to be outlawed was rapidly drawing near, and only prompt and declaive measures could secure the property to the city. Even if one-half of the value of these lands was saved to the city, there was a considerable gain." In reply to the ecretly been in partnership with William C. Traphagen, and was to have shared in the prospective profits of this transaction, Recorder Hackett said that they were utterly untrue and without any foundation in fact. He terly untrue and without any foundation in fact. He had acted honestly, he said, having at heart only the best interests of the city, whose servant he was.

It is reported that the result of an examination of the records of the city and county is to be given to morrow before the Assembly Committee on the Increase of Crime, and that many important facts have been discovered which have never been made public, and which bear near ity upon the administration of the District Attorney's and Recorder's office.

The Committee of Arrangements having charge of the preparations for the great ratification neeting at Tammany Hall on October 26 has received information from Col. W. T. Pelton that ex-Gov. Seymour and Senator Kernan will speak on that occasion. It is considered to be very probable that Gov. Tilden will also make an address. Preparations are making to secure the attendance of the largest gathering that has been cen in and around Tammany Hall for many years. The Republican ratification meeting, to

Friday evening at the Cooper Institute, when Senator Roscoe Conking will be the principal speaker, also promises to be a large gathering.

The anti-Tammany leaders propose to devote what time

See Fifth Page.

FOREIGN NEWS.

SPEECH OF EX-MINISTER ROUHER. HE ATTACKS THE ORLEANIST , M. THIERS AND PRES

Pauls, Wednesday, Oct. 20, 1875. M. Rouher made a speech at Ajaccio on Saturday last. It is of such an aggressive character that its publication here will possibly be prohibited. He made an attack upon ex-President Thiers and the Orleanists accusing them of having blocked up all the avenues to power. He consured President Macliahon, and said since the 24th of May, 1873, when the Marshal was M. Rouher deciared that the revisionary clause of the Constitution remained intact. The Bonapartists, he said, are in favor of universal suffrage, and would contend for an appeal to the people in order to give expression to the

missed from his office for having taken part in the ban quet yesterday, at which M. Bonher made a speech.

BRITISH RELATIONS WITH CHINA. BETTER OBSERVANCE OF TREATIES REQUIRED-

GREATER FREEDOM OF TRADE SOUGHT. SHANGHAI, Wednesday, Oct. 20, 1875. Mr. Wade, the British Minister, has informed

the foreign Legations that while negotiating at Peking be insisted upon a better observance of treaties by the China promised to institute an inquiry and prepare a re-port as a basis for further negotiations. No new trade be operative that was negotiated by a single Minister. tion. It is expected that Mr. Wade will shortly return to

THE MINISTERIAL CRISIS IN BAVARIA. THE KING REFUSES TO ACCUPT THE RESIGNATION DRESS FROM THE CHAMBER OF DEPUTIES, MUNICH, Wednesday, Oct. 20, 1875.

The King of Bayaria has refused to accept the resignation of the Ministry, which was recently tendered because of an adverse vote in the Diet, and expressed his approval of their conduct. He also refuses to receive an address subsequently voted by the Chamber THE ERIE RAILWAY.

COMMITTEE APPOINTED BY THE BRITISH BOND HOLDERS. LONDON, Wednesday, Oct. 20, 1875.

The Eric bondholders have appointed a Committee of Consultation to prepare a scheme for the reorganization of the Company, which they are to submit

COUNT VON ARNIM'S APPEAL. A Berlin telegram in The Pall Mall Gazette

says Count von Arnin's appent was heard to-day. The public interest in the case was slight, and there were but few spectators in the court-room. Count you Arulm was absent. After argument, the judges withdrew for delib MORE FLOODS IN ENGLAND.

LONDON, Wednesday, Oct. 20, 1875.

The weather to-day is tempestuous. Recent rains have swollen the rivers and streams in Devonshire, Telgumouth, and Dawlish were flooded, and much dam-

PROGRESS IN CENTRAL AMERICA.

Washington, Oct. 20.-Information received at the Treasury Department from Geo. Williamson, our Minister at Cuatemala, is to the effect that the Congress of Costa Rica has passe I a law declaring the Port Limon, lands to be acquired at a nominal rate and allowing manlands to be acquired at a nominal rate and allowing manufactories of rum and tobacco to be established in that part of the State for domestic use or export without payment of auties. The Government of Costa Riem has also recently entered into a contract with the Royal Mail British Steamship Company to make monthly trips to Port Limon. Minister Williamson says there seems to be a disposition on the part of the Governments of Guatemilla, Honduras, and Nicaracua to increase their facilities of communication on the Caribbean side.

FOREIGN NOTES.

PIRALES, Oct. 20.-The British steamship scrapts, with the Prince of Wales and suite on board, called from here to-day for the East.

Quebec, Oct. 20.—A telegram received from Perce says a large ship deeply laden was making for Bay Chaleur under temporary canvas. She happeared to have only stumps of her masts and low sprit is t. MONTREAL, Oct. 20 .- The men of the Prince

of Wales Rifles have been ordered to hold themselves in or wars times have been started to not included the readiness for friday night, and imperative instructions have been issued that every man by present. This sudden call is said to be connected with Guibord's burial.

THE CONFEDERATE SURGEONS.

ELECTION OF OFFICERS-TERMS OF MENBERSHIP-THE HISTORY OF SOUTHERN PRISONS TO BE COLLECTED.

[DY TELEGRAPH TO THE TELBUNE.] RICHMOND, Va., Oct. 20.-The Association of

Confederate Army and Navy Surgeons resunted its seesion this morning with additional members from all over the South. Dr. Newton of Georgia proposed that the Association be made a branch of the Southern Historical Society, with officers to hold for life, meetings to be the subject was dropped. It was agreed that all regular physicians who served as

officers or privates in the Confederate army, though not then in the medical department, may become members of this Association. Officers were elected for next year as follows: Presi-

dent, Dr. Hunter McGnire of Virginia; Vice-Presidents, Dr. Henry Campbell of Georgia, at large, with one Vice-President from each southern State; Secretary, Dr. John M. Payne of Virginia; Teasurer, W. W. Parker of Vir-

ORDER OF AMERICAN MECHANICS IN NEW-JERSEY.

TRENTON, N. J., Oct. 20,-The State Council of American Mechanics met in this city to-day. One indred and eight councils are represented. The following officers were elected: State Councillor, Benjamir Van Riper of Jersey City; Vice-Councilor, W. B. Middle ton of Canaden; State Secretary, J. H. Linn of Canaden; State Treasurer, Abner Sparks of Canaden; State Pro-tector, Wm. Christine of Phillipaburg. The Order is rep-resented as in a prosperous condition.

TELEGRAPHIC NOTES.

Sr. Louis, Oct. 20.-Jack Rossiter, a famous trut-ng horse tweety years ago, now 3d years old, died yesterday

Bostox, Cet. 20.—The twenty-ninth annual Convention of the Zeta Pei Fraternity began its session at the Revere House to day. Nine colleges and universities are represented. NEWBURGH, N. Y., Oct. 20.-The new bridge built at Walden, Grange County, to replace the one carried away by the ice orge, was opened with great coremonies to-day. The Fire Department joined in the procession.

CINCINNATI, Oct. 20.—The Western Hardware Johners' Association is now in secret session at the Grand Hotel in this city. Belegations from all, the prominent cities of the West and South West are in attendance.

Boston, Oct. 20.—The Warren Avenue Baptist Chr.r-h has stricken out that portion of the declaration of faith which makes immersion a pre-requisit; to communion. The pastor, the Rev. 6. F. Pentreest, will probably remain in charge. The church is 123 years old.

CRIMES AND CASUALTIES-BY TELEGRAPH. BRIDGEPORT, Conn., Oct. 20.—Horatio Nichols, a young farmer of 28, accidentally hilled himself with his own gan yesterday.

ACBUEN, N. Y., Oct. 20.—Judge Dwight to-day sentenced to be hung Edwin Thomas, the negro who murdered a fellow-convict last June. AUGUSTA, Me., Oct. 20 .- It is thought now that

ArGUSTA, Me., Oct. 20.—It is thought how that Miss Clapp, whose disappearance causes so much-excitement, has drowned herself somewhere.

PHILADELPHIA, Oct. 20.—John A. Wilson, Carlo Covini, Giovanni Petroni, and James Davidson were arrested this morring and arraigned before Commissioner Smith upon the charge of counterfeiting and circulating postage stamps of foreign Governments. The stamps were imitations of those of the Governments of Nicaragna, Greece, Guiana, Bavaria, and Hanover.